

06/02/00

JCS56 U.S. PTO

06-05-00

A PTO

UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 98-37 Total Pages 56

First Named Inventor or Application Identifier

HILL et al.

Title AVERAGE VOLUME VENTILATION

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Express Mail Label No. EL491475035US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)
2. ☒ Specification [Total Pages 42]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to Microfiche Appendix
 - Background of the invention
 - Brief Summary of the invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
3. ☒ Drawing(s) (35 U.S.C. § 113) [Total Sheets 3]
4. ☒ Oath or Declaration [Total Pages 3]
 - a. ☒ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 C.F.R. § 1.63(d))
(for continuation/divisional with Box 17 completed)
[Note Box 5 below]
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).
 - c. ☐ Unsigned
5. ☐ Incorporation By Reference (useable if Box 4b is checked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

 ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

6. DOMESTIC/INTERNATIONAL priority is claimed under 35 U.S.C. § 119(e)/120/365(c) based on the following provisional, nonprovisional, and/or PCT international applications.

| | Application No. | Filing Date |
|-----|-----------------|---------------|
| (1) | 60/139,424 | June 15, 1999 |
| (2) | | |

- 7.
- ☒
- Prior application is assigned to Respironics, Inc. by Assignment recorded July 26, 1999 Reel 010116 Frame(s) 0025.

ACCOMPANYING APPLICATION PARTS

8. ☒ Assignment Papers (cover sheet & document(s))
(Please return recorded assignment to the undersigned)
9. ☐ 37 C.F.R. § 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard
(Should be specifically itemized)
14. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
15. ☒ Certificate of Mailing by Express Mail
16. ☐ Other: _____

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. _____

Prior application Information: Examiner: _____ Group/ArtUnit: _____

18. Please amend the specification by inserting before the first line the sentence: This is a
- ☐
- Continuation
- ☐
- Divisional

☐ Continuation-in-part (CIP) of prior application No. _____

18. CORRESPONDENCE ADDRESS

| | | | | | |
|---------|---|-----------|--------------|----------|--------------|
| NAME | Michael W. Haas Intellectual Property Counsel RESPIRONICS, Inc. | | | | |
| ADDRESS | 1501 Ardmore Boulevard | | | | |
| CITY | Pittsburgh | STATE | PA | ZIP CODE | 15221-4401 |
| COUNTRY | US | TELEPHONE | 412-473-5026 | FAX | 412-473-5021 |

| | | | |
|-----------|-----------------|----------|--------------|
| Name | Michael W. Haas | Reg. No. | 35,174 |
| Signature | Michael W. Haas | Date | June 2, 2000 |

FEE TRANSMITTAL

(Effective 01/01/2000)

Application Number

98-37

Filing Date

Not Yet Assigned

First Named Inventor

HILL et al.

Group Art Unit

Unknown

"Express Mail" Label No. EL491475035US

Examiner's Name

Unknown

TOTAL AMOUNT OF PAYMENT

\$ 1,180.00

Attorney Docket No.

98-37

JC759 U.S. PAT. TO
09/586054
n6/02/00**METHOD OF PAYMENT**1. ☒

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit
Account
Number
Deposit
Account
Name

50-0558

Respironics, Inc.

☒Charge any additional
fee required under 37
C.F.R. §§ 1.16, 1.17
1.19 and 1.20☐Charge the Issue Fee set
forth in 37 C.F.R. § 1.182. ☒

Payment Enclosed:

Check (Check No. 326)

FEE CALCULATION (fees effective 11/10/98)**1. FILING FEE**

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------------|-----------------------|----------------------|-----------------------|------------------------|----------|
| 101 | 690 | 201 | 345 | Utility filing fee | 690.00 |
| 106 | 310 | 206 | 155 | Design filing fee | |
| 107 | 480 | 207 | 240 | Plant filing fee | |
| 108 | 690 | 208 | 345 | Reissue filing fee | |
| 114 | 150 | 214 | 75 | Provisional filing fee | |

SUBTOTAL (1) \$ 690.00**2. CLAIMS**

| | Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|-------------------------------|----------------------|-----------------------|----------------------|-----------------------|-----------------|----------|
| Total Claims | 32 | - 20 * | 12 | x 18 = | | 216.00 |
| Independent Claims | 6 | - 3 * | 3 | x 78 = | | 234.00 |
| Multiple Dependent Claims add | | | | 260 = | | 0.00 |

* Enter Highest Number Previous Paid For

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------------|-----------------------|----------------------|-----------------------|--|----------|
| 103 | 18 | 203 | 9 | Claims in excess of 20 | |
| 102 | 78 | 202 | 39 | Independent claims in excess of 3 | |
| 104 | 260 | 204 | 130 | Multiple dependent claim | |
| 109 | 78 | 209 | 39 | Reissue independent claims over original patent | |
| 110 | 18 | 210 | 9 | Reissue claims in excess of 20 and over original patent | |

SUBTOTAL (2) \$ 450.00**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|---------------------------|-----------------------|----------------------|-----------------------|---|-----------------|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or declaration | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or or cover sheet | |
| 145 | 100 | 145 | 100 | Certificate of Correction | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for reexamination | |
| 576 | 25 | 576 | 25 | Additional filing receipt, duplicate or corrected due to applicant error | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for response within first month | |
| 116 | 380 | 216 | 190 | Extension for response within second month | |
| 117 | 870 | 217 | 435 | Extension for response within third month | |
| 118 | 1,360 | 218 | 680 | Extension for response within fourth month | |
| 128 | 1,850 | 228 | 925 | Extension for response within fifth month | |
| 119 | 300 | 219 | 150 | Notice of Appeal | |
| 120 | 300 | 220 | 150 | Filing a brief in support of an appeal | |
| 121 | 260 | 221 | 130 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive unavoidably abandoned application | |
| 141 | 1,210 | 241 | 605 | Petition to revive unintentionally abandoned application | |
| 142 | 1,210 | 242 | 605 | Utility issue fee (or reissue) | |
| 143 | 430 | 243 | 215 | Design issue fee | |
| 148 | 110 | 248 | 55 | Statutory Disclaimer | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 123 | 50 | 123 | 50 | Petitions related to provisional applications | |
| 126 | 240 | 126 | 240 | Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of property) | 40.00 |
| 146 | 690 | 246 | 345 | Filing a submission after final rejection (37 C.F.R. § 1.129(a)) | |
| 149 | 690 | 249 | 345 | For each additional invention to be examined (37 C.F.R. § 1.129(b)) | |
| Other Fee (specify) _____ | | | | | |
| Other Fee (specify) _____ | | | | | |
| SUBTOTAL (3) | | | | | \$ 40.00 |

*Reduced by Basic Filing Fee Paid

SUBMITTED BY

| | | | |
|--------------------------|------------------------|---------------------------|--------------|
| Typed or Printed Name | Michael W. Haas | Reg. Number | 35,174 |
| Signature | <i>Michael W. Haas</i> | Date | June 2, 2000 |
| | | Deposit Account Number | 50-0558 |

JC759 U.S. PTO
09/586054
06/02/00

Certificate of Mailing by "Express Mail"

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"Express Mail" label number

June 2, 2000

Date of Deposit

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and is addressed to:

The Assistant Commissioner for Patents, Box PATENT APPLICATION, Washington, D.C. 20231.

Michael W. Haas

Signature of person mailing correspondence

Michael W. Haas

Typed or printed name of person mailing correspondence

Note: Each paper must have its own certificate of mailing by "Express Mail".